

TTAB

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Attorney for Petitioner

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Trademark Registrations Nos. 534,259;
1,391,401; 1,927,755; 2,087,020:



02-17-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #78

John L. Minasian,

Petitioner,

v.

Sears, Roebuck and Co.

Respondent.

Cancellation No. 92041607

WITHDRAWAL, WITH PREJUDICE, OF FIRST
AMENDED PETITION FOR RESTRICTION

Box TTAB-No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Madam Commissioner:

Whereas, at the times petitioner filed his petition and first amended petition for restriction of the above identified registrations he was informed and reasonably believed respondent's use of the registered marks was restricted as set forth in

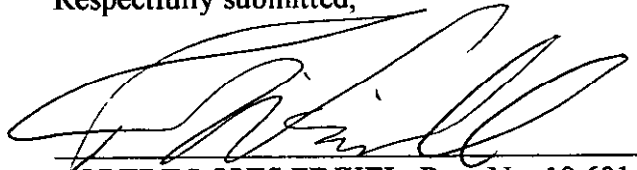
the petition and first amended petition; and

Whereas, respondent denies that its use of the registered marks ever was, and represents that its use of the registered marks is not, so restricted;

Now, therefore, in reliance on respondent's denial and representation as aforesaid, petitioner hereby withdraws, with prejudice, his first amended petition to restrict the subject registrations.

Dated: 2-11-2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Finkel', written over a horizontal line.

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[See Declaration of Mailing and Service on following page.]

DECLARATION OF MAILING AND SERVICE

I hereby declare that on the date set forth below this WITHDRAWAL, WITH PREJUDICE, OF FIRST AMENDED PETITION FOR RESTRICTION and a receipt card are being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Box TTAB-No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513; and

a true and correct copy of this WITHDRAWAL, WITH PREJUDICE, OF FIRST AMENDED PETITION FOR RESTRICTION is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Timothy P. Getzoff, Esq.
HOLLAND & HART LLP
PO Box 8749
Denver, CO 80202.

Dated: 2-11-04


CAROLYN KASSIAN